

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: April 30, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 025-19 FOR 5/12/20 CLOSED-
SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
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Hollenbeck	6/5/19	4:49 p.m.		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Hilliger, J./PO II	4 years, 6 months
Morales, M./PO II	7 years

Total Involved Officer(s)

2 x PO II

<u>Suspect</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
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Jose Abel Iribre: Male Hispanic, 27 years.

COP Recommendations

Tactics – Tactical Debrief, Officers Hilliger and Morales.

Drawing/Exhibiting – In Policy, No Further Action, Officer Hilliger and Morales.

Non-Lethal Use of Force – In Policy, No Further Action, Officer Hilliger.

Less-Lethal Use of Force – In Policy, No Further Action, Officer Morales.

Lethal Use of Force – In Policy, No Further Action, Officer Hilliger.

IG Recommendations

Tactics – Same as COP.

Drawing/Exhibiting – Same as COP.

Non-Lethal Use of Force – Same as COP.

Less-Lethal Use of Force – Same as COP.

Lethal Use of Force – Same as COP.

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INVESTIGATION

Synopsis

Officers assigned to the Hollenbeck Area Gang Enforcement Detail (GED) initiated a traffic stop on a vehicle with tinted front windows. As the vehicle came to a stop, a male passenger exited the front passenger door and fled on foot clutching his front waistband. The officers gave chase on foot and during the foot pursuit the male armed himself with a semiautomatic handgun, resulting in an Officer-Involved Shooting (OIS).

Annotated Force Investigation Division (FID) Incident Summary¹

On Wednesday, June 5, 2019, uniformed Police Officers II Mario Morales, Serial No. 41121, driver, and Jonathon Hilliger, Serial No. 41868, passenger, were assigned to Hollenbeck GED unit 4G7W7.² The Officers were in a marked black and white hybrid police vehicle equipped with ballistic door panels and a Digital In-Car Video System (DICVS), Shop No. 81856.³

Officer Morales had been assigned to GED for approximately 18 months, while Officer Hilliger had been assigned to GED for six months. The officers were not primary partners; however, they had worked together approximately five times in the past. At the start of their watch, the officers discussed their available weapon systems and general tactics such as foot pursuits, traffic stops, pedestrian stops, vehicle pursuits and their roles as contact and cover. They acknowledged Hilliger was the faster runner, so in the event of a foot pursuit it was planned he would be contact while Morales would provide cover and radio communications.

On this day, the officers were conducting crime suppression in the area around North Myers Street and Kearney Street due to gang and narcotic activity. According to Officer Morales, various gangs frequent the area and are the cause of number types of violent crimes, such as robberies and gang fights (Investigators' Note No. 1).

¹ The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

² Officer Hilliger, four years, six months with the Department, 27 years of age, five feet, 11 inches tall, 185 pounds. Officer Morales, seven years with the Department, 29 years of age, five feet, five inches tall, 180 pounds. Both officers were wearing ballistic vests and had Department-approved handguns, handcuffs, canisters of Oleoresin Capsicum (OC) spray and TASERS attached to their Sam Browne equipment belts. Both officers had side-handle batons in their police vehicle and Hobble Restraint Devices (HRD) in the sap pocket of their pants.

³ A hybrid police vehicle is a marked black and white vehicle with emergency lights and siren; however, the lights are not mounted on top of the vehicle.

At approximately 16:48 hours, Officer Morales was driving south on South Myers Street approaching South Mission Road. He drove passed a white, 2018 Toyota Camry driving in the opposite direction (California License Plate No. 8EOR842). Both officers noted that the Camry had tinted front windows in violation of California Vehicle Code (VC) 26708. Morales immediately recognized the front passenger, Jose Iribe, from previous contacts and believed the driver of the Camry was the mother of Iribe's children.⁴ According to Morales, he believed Iribe had an outstanding warrant for his arrest and the female driver was on formal probation for possession of a gun, California Penal Code Section 29805.⁵ The driver of the Camry was later identified as Stephanie Guerrero and she was not the mother of Iribe's children.

Note: According to Officer Hilliger, Officer Morales verbalized one of the passengers in the Camry was on probation; however, he could not recall if Morales specified it was the male passenger or female driver.

Officer Morales negotiated a U-turn to conduct a traffic stop for the violation. Once behind the vehicle, Officer Hilliger ran the vehicle's license plate via their Mobile Digital Computer (MDC) and the vehicle returned with no want or warrant. At 16:48:23 hours, Hilliger broadcast, "4G7 show me Code-Six, Myers and Kearney on 8EOR842." Morales then activated the forward-facing red light.⁶ At this time Officer Hilliger activated his Body-Worn Video (BWV).

Suspect Guerrero continued driving north on Myers Street appearing to ignore the forward-facing red light and Officer Morales' two short bursts of the siren. She ultimately drove into the parking lot west of the "ColorGraphics" commercial business and stopped in a parking stall facing east.⁷ As captured on the officers' DICVS, as the Camry came to a stop, the right front passenger door opened and Suspect Iribe exited and ran in a southeasterly direction toward ColorGraphics.

According to Iribe, he ran from the vehicle because he had a loaded semiautomatic pistol in his waistband.

Officers Hilliger and Morales identified that Iribe immediately grabbed the front, right portion of his waistband as he ran from the vehicle. Both officers formed the opinion that Iribe was armed with a gun. Based on their earlier patrolling of this area and prior to their attempted traffic stop, Officer Hilliger knew there were civilians in the area and

⁴ Jose Iribe, male Hispanic, 27 years old, five feet, five inches tall, 150 pounds.

⁵ Officer Morales conducted a traffic stop on Vanessa Ceballos, the mother of Iribe's children, and Iribe on May 9, 2019, at 18:55 hours, at Mission Road and 1st Street (Incident 190509005143).

⁶ Communications Division Incident No. 190609004173.

⁷ The open business, ColorGraphics, was located at 150 North Myers Street.

believed that that the business, ColorGraphics, that Iribe was running toward was open. Therefore, Hilliger exited the police vehicle and immediately gave chase on foot.⁸

Simultaneously, Officer Morales exited his driver's door and joined his partner in the foot pursuit. According to Morales, as he exited the police vehicle he unsuccessfully attempted to activate his BWV.⁹ The officers did not have any communication with each other as they initiated the foot pursuit; however, according to Hilliger, he could hear his partners footsteps and knew he had joined him in chasing after Suspect Iribe. Officer Morales' BWV depicts that Officer Hilliger was approximately fifty feet ahead of him.

Iribe ran in a southeasterly direction toward an open vehicular gate for ColorGraphics. According to Officer Hilliger, Iribe pumped his left arm as he ran, while continuing to clutch his front waistband with his right hand, as depicted in the below image from Hilliger's BWV. According to both officers, they paralleled Iribe and used vehicles parked in the parking lot as cover as they remained in containment mode with the intent of monitoring Iribe's movements.



Image from Officer Hilliger's BWV.

At 16:49:03 hours, Officer Morales broadcast, *"4G7 we're in foot-pursuit, need back up, Myers and Kearny."* As Suspect Iribe was approaching the open vehicular gate, Officer Hilliger unholstered his pistol as he continued to pursue. According to Hilliger, he believed Iribe's actions of holding his waistband while running was consistent with him possessing a firearm. He yelled commands at Iribe, who ignored those commands and continued through the open vehicular gate and into the inner parking lot and loading dock area of ColorGraphics. Believing Iribe was armed and running into an open business with civilians possibly present, Officer Hilliger followed him through the gate,

⁸ Officer Hilliger had his flashlight in his hand prior to exiting the vehicle. He did so because he believed he might need his light to see into the interior of the vehicle due to the tinted windows. He continued to hold the flashlight during the foot-pursuit.

⁹ A review of the "buffered" portion of Officer Morales' BWV footage was inconclusive as to his attempt to activate his BWV camera earlier.

as depicted in the below image from Officer Morales' BWV. Officer Hilliger then yelled, "Stop, police, police, get on the ground." This was captured on the video footage recovered from his BWV camera.



Image from Officer Morales' BWV.

Suspect Iribe continued to ignore Officer Hilliger's commands and ran behind a large metal green container, depicted in the above image, as he maintained hold of his front waistband.¹⁰

According to Officer Hilliger, he approached the green container to obtain cover when he saw what he believed to be two firearms thrown into the air from behind the green container. At the same time, and as captured on his BWV, he heard a loud clanking sound of a metal object striking the green metal container.

The investigation revealed Iribe threw three items into the air.

These items were a pistol, a loaded magazine and a black glove. The magazine and glove went over the south fence and into the adjacent property, while the pistol initially landed on top of the green container. As captured on Officer Hilliger's BWV, the pistol immediately slid off the west side of the container and fell to the ground. This is depicted in the below screenshot obtained from Officer Hilliger's BWV. The pistol came to rest on the ground in plain view adjacent to the container.

¹⁰ The green container measured eight feet wide, nineteen and one-half feet long and approximately eight and one-half feet high.



Image from Officer Hilliger's BWV.

Officer Hilliger saw the black pistol and alerted his partner by verbalizing, "Gun, gun, gun, gun."¹¹ Without warning, Suspect Iribe stepped out from behind the green container near the location of the pistol. From a position of cover behind a smaller metal container, Officer Hilliger pointed his pistol at Iribe and stated, "Get on the fucking ground. Let me see your hands." (Investigators' Note No. 2).¹²

Suspect Iribe ignored Officer Hilliger's commands and immediately bent over and grabbed the pistol with his right hand, as depicted in the below image from Hilliger's BWV. According to Hilliger, Iribe grasped the pistol with the muzzle pointed in his and his partner's direction.

OIG Note No. 1: *When interviewed, Iribe admitted to FID that he had reached for and picked up the weapon, and he stated that he had done so because he wanted "to throw it farther."*¹³

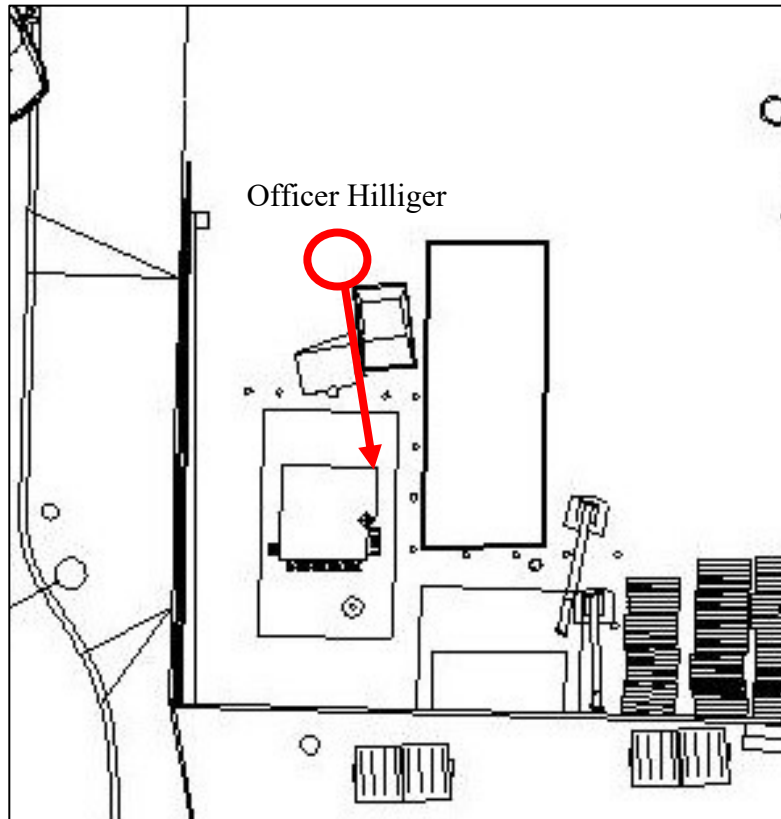
Fearing that Iribe was intent on shooting him and his partner, Hilliger fired three rounds at Iribe from a standing two-hand shooting position.¹⁴ The three rounds were fired in a southerly direction and from an approximate distance of 18 feet. Iribe was struck once in the left thigh.

¹¹ This was captured on Officer Hilliger's BWV.

¹² This was captured on Officer Hilliger's BWV. The smaller container measured four feet wide, six feet long and four feet high.

¹³ Iribe, Page 7, Lines 11-16.

¹⁴ Hilliger held his pistol primarily in his right hand and supported the pistol with his left hand while also holding his flashlight in his left hand.



*"So, my -- my first thought was, especially because he had already thrown the guns and at that time I thought he had two ... he had no reason to go back and pick up the gun if he had already tossed it. So, I -- I -- in that quick second I thought he -- he knows he's cornered and he's just going to start -- it's going to be a shootout. So that's why I, like I said, I gave him commands to -- to get on the ground and he went for the gun and he -- he pulled it up in our direction and I thought he was going to shoot us."*¹⁵

[This section intentionally left blank.]

¹⁵ Hilliger, Page 24, Lines 3-14.



Image from Officer Hilliger's BWC.

According to Officer Hilliger, he assessed after each shot and continued firing as he identified Iribe was still holding the pistol. After firing his third round, he stopped firing as he recognized Iribe was throwing the pistol into the air and ultimately over the fence as he stepped behind a large, white utility box. Simultaneous to Officer Hilliger firing his rounds, Officer Morales had unholstered his pistol and stepping through the open vehicular gate.¹⁶ According to Morales, he observed Hilliger fired two rounds at Suspect Iribe; however, Morales did not have a visual of Iribe at that time.

Officer Hilliger saw that Iribe's hands were empty as he (Hilliger) moved closer to the utility box. Hilliger continued moving forward to the edge of the utility box and yelled for Iribe to, "Get on the ground. Get on the ground."¹⁷ At the request of his partner, Officer Morales then holstered his pistol and broadcast, "*Officer needs help, shots fired, Myers and Kearney.*" This broadcast was put out at 16:49:22 hours.

Officer Hilliger continued toward the utility box until he had a complete visual of Suspect Iribe. According to Hilliger, he wanted to verify Iribe wasn't arming himself with another pistol and determine whether Iribe needed medical attention. Iribe, who was standing behind the utility box, raised his hands above his shoulders and stated, "I have nothing,

¹⁶ Officer Morales unholstered his pistol as he believed Iribe was armed with a gun and the use of deadly force might become necessary.

¹⁷ This was captured on Officer Hilliger's BWC.

stop.”¹⁸ Hilliger ordered him down to the ground; however, Iribe ignored the command, came out from behind the utility box and stepped toward Hilliger. Officer Morales, who saw Iribe ignoring his partner’s commands and continuing to move in their direction, unholstered his pistol a second time.

Both officers repeatedly ordered Iribe to get down onto the ground; however, he continued to ignore those commands, continued looking toward them while side stepping in their direction. Officer Hilliger maintained a two-handed grip on his pistol as he held it in a low-ready position and backed away from Iribe’s advancement. Knowing that his partner was immediately behind him, Hilliger directed Officer Morales to move back as well.

Suspect Iribe replied to the officer’s commands by stating, “It hurts” and “I’m bleeding.”¹⁹ The officers continued to order Iribe onto the ground as they continued backing up toward the vehicular gate. Iribe continued stepping in their direction and ultimately forced the officers through the vehicular gate and onto the sidewalk. Both officers had observed a large bulge in Iribe’s front left pants pocket and were concerned he could have another weapon on his person.



Photo from Officer Morales’ BWV

¹⁸ This was captured on Officer Hilliger’s BWV.

¹⁹ This was captured on Officer Hilliger’s BWV.

As a result of Iribe's ongoing refusal to comply with the officer's orders and their belief that he could still be armed, Officer Hilliger told his partner to deploy his TASER.

Officer Morales holstered his pistol and unholstered his TASER. The officers continued to verbalize with Iribe and demand that he gets down on the ground; however, he failed to comply and continued stepping and looking in their direction. Officer Hilliger stated, "You're gonna get tased. Get down on the ground or you're gonna get tased."²⁰ According to Morales, he believed Iribe's actions were an attempt on his part to distract the officers and obtain an advantage over them. With that in mind, after hearing the warning issued by his partner and seeing Iribe continuing to move in their direction, he aimed the TASER at the center of Iribe's back and pulled the trigger (Investigators' Note No. 3).

The TASER darts hit Iribe and had an immediate effect. His body locked up and he fell to the ground. One dart struck Iribe on the left rear of his head while the second dart struck his left, upper arm. The TASER cycled for five seconds before turning off. At this point, Officer Hilliger holstered his pistol, approached Iribe and handcuffed him without further incident.

Note: While Officer Hilliger was placing the handcuffs on Iribe, Officer Morales unknowingly activated the TASER for another five second cycle (Addendum No. 1).

Hilliger conducted a quick cursory search of Iribe's pockets and then placed him into an upright seated position.

At 16:51:13 hours, Morales broadcast a request for a Rescue Ambulance (RA).

As a result of Officer Morales' back-up request and subsequent call for help, numerous Hollenbeck officers responded, secured the scene and preserved the evidence. One of the responding officers was Police Officer II Cipriano Gamboa, Serial No. 41405, 4G8. While waiting for the RA to arrive, Gamboa applied his HRD around Iribe's upper left thigh to act as a tourniquet.

At 16:51:43 hours, Sergeants I Jose Vasquez, Serial No. 30976, 4G30, and Leonardo Olea, Serial No. 35700, 4G40, were the first supervisors to arrive at scene. Sergeant Vasquez separated Officer Hilliger from the incident while Sergeant Olea did the same with Officer Morales. Both Sergeants obtained Public Safety Statements (PSS) from their respective officers and continued to monitor them.

At 16:52:03 hours, after hearing a broadcast that the white Toyota Camry had fled from the scene, Police Officers III Steven Megliorino, Serial No 40050, driver, and Alejandro Feria, Serial No. 39922, passenger, 4A15W2, observed the Camry northbound Mission Road near the on-ramp to the Interstate 10 freeway. Prior to the officers activating their emergency equipment, the driver, Stephanie Guerrero, immediately pulled over and

²⁰ This was captured on Officer Hilliger's BWV.

activated her hazard lights. The officers confirmed the license plate and placed themselves Code-Six on the vehicle. Once additional patrol officers arrived, Guerrero was ordered out of the car and into a high-risk prone position. She was then taken into custody without incident (Investigators' Note No. 4).

At approximately 16:57 hours, Los Angeles Fire Department (LAFD) personnel arrived at scene and provided emergency medical treatment to Iribre for a through and through gunshot wound to his left thigh. Iribre was transported to the Los Angeles County, University of Southern California Medical Center (USCMC) for medical treatment. Officer Gamboa accompanied Iribre in the RA while his partner, Police Officer II Victor Serrano, Serial No. 41417, followed in the patrol vehicle.

At approximately 17:20 hours, the Department Operations Center (DOC) was notified of the Categorical Use of Force (Addendum No. 2).

Sergeant II Carlos Figueroa, Serial No. 35260, Force Investigation Division (FID), arrived at scene at 1745 hours and was the first FID representative on scene.

Detective II Heather Gahry, Serial No. 31089, Force Investigation Division (FID), reviewed all documents and circumstances surrounding the separation, monitoring and the admonition for the officers not to discuss the incident prior to being interviewed by FID investigators. All protocols were documented (Addendum No. 3).

Scene Description

The OIS occurred at 150 North Myers Street, in the City of Los Angeles. North Myers Street is a north/south roadway with a single lane of traffic in each direction and available parking along the east curb. The location was bordered by Kearney Street to the north and Mono Street to the south. There was a large parking area on the west side of the street and a sidewalk on the east side of the street. The neighborhood was comprised of commercial businesses.

The OIS occurred on the commercial property occupied by ColorGraphics. The business is situated on the east side of the street and was accessible via a large vehicular gate leading into a vehicle access/loading dock area. Specifically, the OIS occurred in the southwest corner of the property amongst several roll-away trash bins and an electrical utility box.

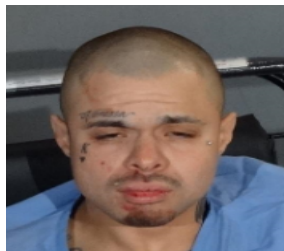
The OIS occurred during daylight hours at approximately 16:49 hours. The environmental conditions were dry with clear skies.

Canvass for Witnesses

On June 5, 2019, FID and Hollenbeck Area personnel canvassed the area of 150 North Myers Street for witnesses to the OIS. Additional canvasses were conducted by FID personnel on June 13, 2019. Unless otherwise noted, the statements of all witnesses were recorded, transcribed and are contained in this report. There were three

witnesses who only heard shots. The number of gunshots heard by witnesses ranged from two to three. Copies of their statement forms are maintained in the FID casebook.

Suspect Information



Jose Iribe is a male Hispanic with brown hair and brown eyes. At the time of the incident, he was five feet, five inches tall, weighed 145 pounds and had a date of birth of February 6, 1992. Iribe was identified by Criminal Information and Identification (CII) No. A33052338. He is a documented member of Montebello Southside, known by the moniker of “Chucky.” Iribe was not the subject of any Mental Evaluation Unit contacts.

Iribe’s criminal history included one felony conviction. On November 29, 2013, he was arrested for Domestic Violence with Injury. In June of 2014, he was convicted pursuant to Section 273.5 (A) of the California Penal Code (PC) and sentenced to two years in County Jail (Addendum No. 4).

Detective II Joseph Kirby, Serial No. 36857, FID, Criminal Apprehension Team (CAT), completed a Los Angeles Police Department (LAPD) Investigative Report (IR) for ADW on a Police Officer. Officer Hilliger was named as the victim on the report and Jose Iribe was named as the suspect (Addenda Nos. 5 and 6).

Detective II Frank Alvelais, Serial No. 30865, FID, CAT, completed an LAPD IR for Domestic Violence with Injury. Stephanie Guerrero was named as the victim on the report and Jose Iribe was named as the suspect (Addenda Nos. 7 and 8).

On June 7, 2019, Detective II Jeff Martin, Serial No. 32877, FID, CAT, presented a criminal complaint to the Los Angeles County District Attorney’s Office. Deputy District Attorney Lisa Kassabian reviewed the complaint and filed ten felonies and one misdemeanor charge. This included three counts of Domestic Violence, two counts of Assault with a Deadly Weapon with a Firearm, two counts of Criminal Threats, one count of Brandishing a Firearm, one count of Felon with a Firearm, one count of Prohibited Person in Possession of Ammunition and one count of Resisting Arrest.

On October 1, 2019, Suspect Iribe was convicted for Criminal Threats, Felon with a Firearm and Domestic Violence. He was sentenced to 52 months in state prison.

Injuries

At 16:51 hours, LAFD RA No. 4, staffed by Firefighter/Paramedics (FF/PM) Omar Velasquez, Carlos Limon, Allen Janzen and Daniel Gutierrez received the alarm to respond to 150 North Myers Street.

At 16:57 hours, LAFD RA No. 4 arrived at scene and provided emergency medical treatment to Iribe for a gunshot wound to his left thigh. Firefighter/Paramedic Gutierrez removed the hobble from around Iribe’s thigh and replaced it with a tourniquet. Iribe was transported to USCMC for medical treatment, Officer Gamboa rode with Iribe in the

ambulance. At USCMC, Iribe was treated by Doctor Harleen Grewal for a through and through gunshot wound to the left thigh. There was a one to two centimeter (cm) circular wound to the left outer thigh and a one cm wound to the left inner thigh.²¹ Iribe received a blood transfusion and dressing to the wounds. A two cm bruise was noted to Iribe's right scalp; a TASER dart was removed from Iribe's left tricep. Iribe refused any additional medical treatment. Iribe tested positive for methamphetamine. Iribe was discharged and cleared to book (Addendum No. 9).

Evidence

At approximately 20:30 hours, Supervising Criminalist Raphael Garcia, Serial No. G9120, and Criminalists II Jennifer Dorrel, Serial No. N5003, Kathe Canlas, Serial No. N5598, and Monica Hwang, Serial No. N1599, Forensic Science Division (FSD), Firearms Analysis Unit, (FAU), responded to the scene and conducted an examination of the OIS scene for ballistic impacts, trajectories and projectiles (Addendum No. 10).

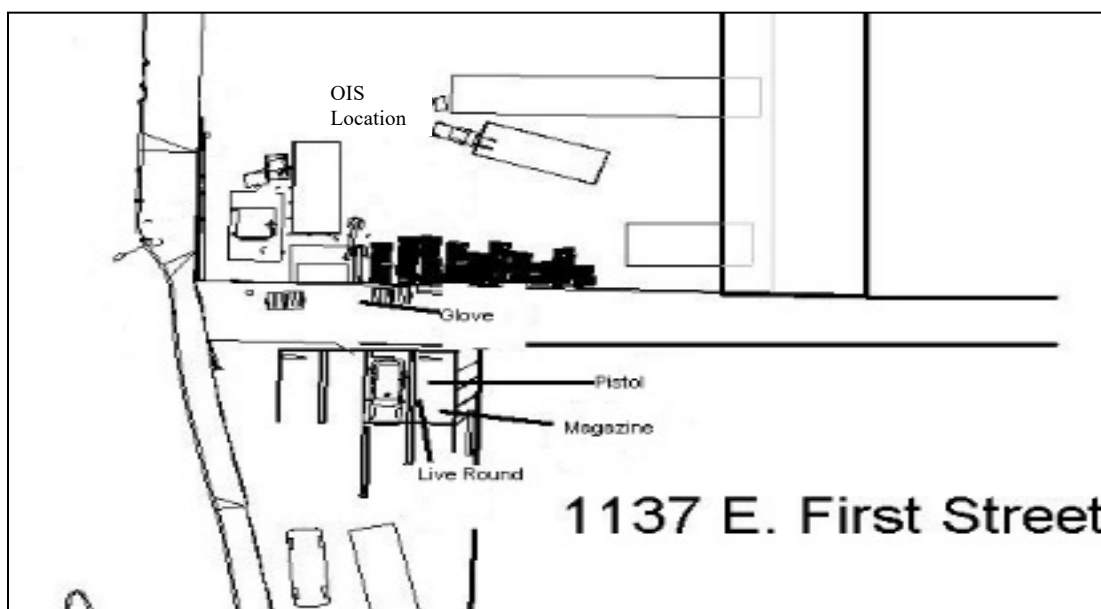
As a result of their examination, numerous items of evidence were identified and recovered. Included in those items were a .45 caliber pistol with an inserted magazine loaded with eight live cartridges, Items 22, 23 and 25, a second magazine loaded with six .45 caliber cartridges, Items 24, 26 and 27, three Discharged Cartridge Casings (DCC), Items 30, 31, and 32, and three fired projectiles, Items 33, 34, and 35. There were a total of 74 items of evidence booked in conjunction with this investigation.

Detective Martin completed a Gunshot Residue (GSR) kit on Guerrero and Iribe. Those kits Items 2 and 4, were also booked as evidence in conjunction with this investigation (Addendum No. 11).

Weapons

Jose Iribe was armed with a black and silver .45 caliber unknown model semiautomatic pistol with black grips. The pistol had a barrel length of five inches. The pistol was recovered from the southeast corner of the parking lot at 1137 East First Street, lying on its right side, with the muzzle pointed south. The hammer was cocked, the safety was in the on position and the slide was partially locked back. The firing chamber of the pistol was empty. The inserted magazine was loaded with eight live cartridges. The capacity of the pistol when fully loaded was one cartridge in the firing chamber and eight cartridges in the magazine. The pistol is what is known as a "ghost gun." A firearm made by an individual, without serial numbers or other identifying markings (Addendum No. 12).

²¹ Although the medical report does not specify which of these wounds was caused by the round entering and which was caused by the round exiting, video analysis has determined that the wound to the inner left thigh was likely caused when the round entered Iribe's leg.



Officer Hilliger was armed with his Department-authorized .45 caliber Glock Model 21 semiautomatic pistol. The pistol was carried in a Department-approved Safariland triple retention holster. According to Officer Hilliger, at the time of the OIS the pistol was loaded to capacity with 14 rounds of Federal Premium .45 Auto 230 grain HST ammunition. Thirteen rounds were in the magazine and one round was in the firing chamber of the pistol.

On June 5, 2019, at approximately 22:20 hours, Detective Gahry conducted a post-incident examination of Officer Hilliger's pistol. She determined the firearm was loaded with one round in the firing chamber and ten rounds in the magazine. The three DCC collected at the OIS scene were later determined to have been fired from Officer Hilliger's pistol. This information was consistent with Officer Hilliger having fired a total of three rounds during the OIS.

On July 10, 2019, Criminalist III Brian Reinarz, Serial No. N5624, FSD, FAU, completed a report documenting the test firing of Officer Hilliger's pistol. The pistol was found to be functional and the trigger pull value for this pistol was within the Department's established range (Addendum No. 13).

Detective Gahry verified that Officer Hilliger's .45 caliber Glock pistol was entered onto the Department's Firearm Inventory Tracking System (FITS) on April 6, 2017.

Officer Morales was armed with his Department assigned X26P TASER, Serial No. X160007YF.

Firearms Analysis



The criminalists assigned to FSD, FAU, identified two impacts with corresponding pathways. Both pathways were consistent with projectiles traveling north to south, west to east, in a downward direction (Addendum No. 14).

On August 7, 2019, Criminalist II Jacob Seror, Serial No. N4571, FSD, FAU, completed a report regarding the test firing of Iribe's pistol. The pistol was a semiautomatic .45 caliber pistol of an unknown make and model with no serial number present. Upon examination, it was determined the pistol was not functional in the condition that it was recovered. The slide was slightly out of battery with the safety on. After hammering the slide forward, the pistol was test fired and functional. Images from the cartridge casings fired in Iribe's pistol were entered into NIBIN (Addendum No. 15).

Vehicles

Detective Kirby obtained a Search Warrant signed by the Honorable Judge Gregory Weingart allowing access to the white four-door 2018 Toyota Camry, California License Plate No. 8EOR847. The vehicle was registered to Stephanie Guerrero. The vehicle was processed and photographed. Evidentiary Item Nos. 5 through 19 were recovered from the vehicle. The vehicle was then returned to Guerrero (Addendum No. 11).

Visual Documentation

Digital In-Car Video System (DICVS)

The involved police vehicle was equipped with DICVS. The video captured the attempted traffic stop and Iribe immediately fleeing from the vehicle. The video does not show the OIS incident, but the audio portion of the OIS was captured. In addition, Guerrero is captured driving away from the location.

Body Worn Video (BWV)

Officers Hilliger and Morales' BWV captured varying aspects of the foot pursuit and Iribe's actions leading up to and after the OIS. The investigation determined that 18 officers assigned to Hollenbeck Area activated their BWV during their response to the OIS scene and the subsequent vehicle stop. The BWV was reviewed by FID investigators and found to have no investigative value. It also revealed no investigative issues or concerns.

Social Media

Personnel assigned to FID's Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation. No additional evidence, information or witnesses were identified.

Other Department Video

There was no additional Department Video.

Outside Video

On June 13, 2019, FID investigators canvassed the area of 150 North Myers Street. The investigators located a business surveillance video at 1137 East First Street at Key Company. The video was obtained by TID and stored under Control No. 669297. An employee from 150 N. Myers Street, "Benji" took cell phone video after the OIS, which was provided to FID. Benji declined a formal interview.

Photographs

Photographs of the OIS scene and associated evidence are stored under Control Nos. D0769606, D0769607, D0769608, D0769609, D0769611 and D0769643. All videos and photographs are stored in the case folder contained within Evidence.com.

Notifications

At approximately 17:20 hours, the DOC was notified of the Categorical Use of Force. The details of the subsequent notifications are attached (Addendum No. 2).

Personnel at Scene

Sergeant Figueroa arrived at scene at 1745 hours. Crime scene logs documenting additional personnel at the location are contained within the FID case file and are available for review.

Communications

A copy of the Communications Division printout relative to the OIS incident, Incident No. 190605004173, is on file at FID. The digitally recorded interviews of the involved/percipient officers and civilian witnesses are stored in the Training Evaluation and Management System (TEAMS II) database.

Justice System Integrity Division

This case met the criteria for presentation to the Justice System Integrity Division (JSID) and will be presented shortly after completion of this administrative report.

Investigators' Notes

1. An inquiry was conducted regarding the area surrounding North Myers Street and Kearney Street. The results of the inquiry showed that from January 1, 2019, to the date of the incident, there were 33 coded calls, including, but not limited to, calls

related to Assaults with a Deadly Weapon, Shots Fired, Robbery, weapons violations and vandalism. In addition, there were 47 non-coded incidents during that same period. In the two months prior to the OIS, Officer Morales was documented as being in the area 29 times.

2. Detective Gahry notified Lieutenant II James Antenucci, Serial No. 26784, FID, regarding the two operational concerns that were noted during this investigation. The first concern was Officer Hilliger's use of profanity while dealing with the suspect. The second was the late activation of Officer Morales' BWV. Lieutenant Antenucci forwarded this information to Commander Robert E. Marino, Commanding Officer, Force Investigation Group. Commander Marino then forwarded this information to the Office of Operations and the concerned Area Commands for follow-up and disposition.
3. According to Officer Morales, he only recalled activating the TASER one time. After review of the BWV and TASER report, it was determined the TASER was activated twice. According to the TASER report, the first activation occurred at 16:50:05 hours and the second activation occurred at 16:50:39 hours. The TASER was examined by Sergeant II Michael Hall, Serial No. 26212, Officer In Charge, Force Options Training Unit. After his examination of the TASER and his review of the BWV, he determined the Taser functioned as designed (Addendum No. 1).
4. According to Stephanie Guerrero, after Suspect Iribe fled from her car she heard five gunshots. This frightened her and caused her to drive away. Guerrero had visible injuries on her body, which she attributed to domestic violence related assaults by Iribe.

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CHIEF OF POLICE REPORT²²

Chief of Police Findings

Tactics – Tactical Debrief, Officers Hilliger and Morales.

Drawing/Exhibiting – In Policy, No Further Action, Officers Hilliger and Morales.

Non-Lethal Use of Force – In Policy, No Further Action, Officer Hilliger.

Less-Lethal Use of Force – In Policy, No Further Action, Officer Morales.

Lethal Use of Force – In Policy, No Further Action, Officer Hilliger.

Chief of Police Analysis

Detention

- Officers Hilliger and Morales initiated a traffic stop on a Toyota Camry for tinted windows. As the Toyota Camry came to a stop, Iribe exited via the front passenger door and fled on foot while holding onto his front waistband area. Officers Hilliger and Morales initiated a foot pursuit, during which the suspect armed himself with a firearm resulting in an OIS. The actions of Officer Hilliger and Morales were appropriate and with Department policies and procedures.

Tactics

- Department policy relative to a Tactical Debrief is: *“The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance.”*

Department policy relative to Administrative Disapproval is: *“A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training” (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain*

²² The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)**

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Hilliger and Morales had an established tactical plan as it pertained to foot pursuits, which included Officer Hilliger being the contact officer and Officer Morales being the cover officer, as well as designated communications officer. Due to the vehicle code violation for which Officers Hilliger and Morales were taking enforcement action, Officer Hilliger deployed his flashlight during daylight hours anticipating that he would have to look into the Toyota Camry through the tinted windows. Officers Hilliger and Morales pursued Iribe in containment mode due to him possibly being armed with a firearm. After the OIS, as Iribe started to walk towards Officers Hilliger and Morales without complying with their commands, Officers Hilliger and Morales planned to have both less-lethal and lethal force options deployed and available.

Assessment – Throughout the incident, Officers Hilliger and Morales assessed the actions of both Iribe, the passenger, and Guerrero, who was driving the Toyota Camry. The officers assessed the location where Guerrero parked the Toyota Camry and the area in which Iribe fled into. While firing three rounds from his service pistol to stop the threat, Officer Hilliger stated he continuously assessed and observed Iribe still holding onto the firearm. Officer Hilliger stated he assessed between each round that he fired to determine when Iribe no longer presented an immediate threat. While conducting an assessment after firing the third round, Officer Hilliger observed that Iribe threw the firearm over the fence and therefore Officer Hilliger stopped firing. Officers Hilliger and Morales continually assessed Iribe's actions throughout the incident. Following the handcuffing of Iribe, Officer Hilliger conducted an assessment and ensured that Iribe was in a seated recovery position due to suffering from a gunshot wound. After Iribe was taken into custody, Officer Morales checked the vicinity for Guerrero and the Toyota Camry. Determining that the vehicle was gone, Officer Morales subsequently broadcast relevant information regarding her possible direction of travel. Upon arrival at scene, Officer Gamboa assessed Iribe's medical condition and applied his HRD to Iribe's

leg to act as an improvised tourniquet and thereby render aid to Iribe in an expeditious manner.

Time – Beginning with the observation of the vehicle code violation, Officers Hilliger and Morales used time to their advantage. Even though Officer Morales had prior knowledge of Iribe and his wanted status, officers utilized their time to conduct a DMV vehicle inquiry and want/warrant check on the Toyota Camry providing them more information. Iribe escalated the incident by fleeing from the vehicle stop while armed with a firearm. Officer Hilliger attempted to de-escalate the situation by identifying himself as a peace officer and giving Iribe commands to stop and get on the ground. Prior to engaging in foot pursuit of Iribe, Officers Hilliger and Morales made a split-second decision as to which vehicle occupant they should focus their attention on. When pursuing Iribe in containment mode, Officers Hilliger and Morales used parked vehicles as cover and maintained their distance from Iribe, giving them additional time to safely resolve the incident. Officer Hilliger was aware of his surroundings and maintained his cover to avoid placing himself in immediate danger while Iribe went around the large green metal container. Iribe then further escalated the incident when he reached for the firearm after he had thrown it, pointing it in the direction of Officer Hilliger while attempting to re-arm himself.

Redeployment and/or Containment – From the initiation of the foot pursuit, Officer Hilliger exhibited awareness that Iribe was possibly armed and followed Iribe in containment mode, utilizing parked vehicles to create distance and time, thereby giving him cover. By not following Iribe behind the large green metal container and the utility box, Officers Hilliger and Morales contained Iribe's movements to the southwest corner of the open parking lot. After the OIS, as Iribe started to walk towards Officers Hilliger and Morales without complying with their commands, Officers Hilliger and Morales redeployed to create distance between themselves and Iribe. Once Iribe was in the open space, Officers Hilliger and Morales triangulated his position and established containment around him.

Other Resources – Officer Morales broadcast that he and his partner were in foot pursuit and requested a back-up. Officer Hilliger and Morales considered and deployed less-lethal force options during the encounter with Iribe. After the OIS, Officer Morales broadcast a help call requesting further assistance. The air unit, which responded to the back-up request and the subsequent help call, was instrumental in updating CD relevant to the location of vehicle stop conducted on Guerrero. Additional units responded to the location, contained the crime scene, and preserved evidence. Officer Gamboa, who responded as part of the additional units, took a prominent role in providing emergency medical treatment to Iribe until the arrival of the LAFD RA.

Lines of Communication – Officer Hilliger initiated lines of communication with Iribe as soon as Iribe fled from the Toyota Camry. Officer Hilliger identified himself as a peace officer and continued to give Iribe commands while engaged in a foot pursuit. Officer Morales used radio communication to advise CD and other units that he and his partner were in foot pursuit and after the OIS, Officer Morales broadcast

a help call. Throughout the incident, Officers Hilliger and Morales utilized open lines of communication with Iribe while faced with the challenge of his uncooperativeness. Officers Hilliger and Morales communicated with each other throughout the incident. Officer Hilliger advised Officer Morales that there was a firearm involved when he observed Iribe throw it over the large green metal container. When Iribe came out from behind the utility box, Officer Hilliger advised Officer Morales to back up creating distance between the officers and Iribe. Prior to the lethal use of force, Officer Hilliger gave Iribe commands on eight different occasions. After the OIS and prior to the discharge of the TASER, Officers gave Iribe 24 commands and three partial use of force warnings. Upon the arrival of additional units, Officer Hilliger directed them to recover evidence using open lines of communication.

The UOFRB noted, and the Chief concurred, that due to the rapidly unfolding nature of this incident, the officers had limited time to react to the deadly actions of Iribe. Officers Hilliger and Morales were required to make decisions that balanced the safety of the community, their own welfare and containment of a dangerous suspect. Officers Hilliger and Morales reacted swiftly and contained Iribe, preventing him from accessing and endangering the larger community.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Apprehension vs. Containment Mode

Apprehension versus Containment: *There are two pursuit modes officers may use when a suspect flees on foot, apprehension mode or containment mode. Some factors that will influence an officer's decision to operate in the apprehension or containment mode are the suspect's actions, officer's experience, training, physical fitness level, location and available resources.*

During apprehension mode, officers work as a team, pursue and attempt to overtake a fleeing suspect until apprehending the suspect, making the decision to discontinue the foot pursuit or transition into containment mode. The pursuing officers should assess and communicate with each other before deciding on a course of action.

Officers may make the decision to discontinue a foot pursuit when the tactical situation deteriorates, either officer becomes injured, or effective communication ability is lost (lost or broken radio or dead spot) or at either officers' discretion. If either of the pursuing officers feels it necessary to end the pursuit, he/she must alert the partner officer quickly to avoid separation.

Generally, officers are discouraged from pursuing armed suspects on foot. Nonetheless, officers must be afforded a level of discretion regarding the appropriateness of their decision to engage in foot pursuit of an armed suspect.

If the suspect is no longer in sight or enters a structure such as a house, apartment or business, or gains a tactical advantage, officers may make the decision to continue the pursuit in containment mode while coordinating the response of additional units to establish a perimeter. Containing a suspect in a specific area can

decrease the opportunity for an ambush and will make it more likely that the suspect will be taken into custody.

When the decision is made to establish a perimeter, officers should act quickly to prevent the suspect's escape and broadcast the following:

- *General location of an incident command post (the end of pursuit location). This location can be moved later.*
- *Boundaries for the perimeter. Remember it is easier to decrease a perimeter than increase one. Initially, even general locations or instructions will suffice. (e.g. 2 blocks to South and North, 2 blocks to East and West of my location).*
- *Request for air unit to assist in establishing or adjusting the perimeter. The presence of the air unit will also encourage the suspect(s) to remain within the perimeter.*
- *Request a supervisor and the necessary resources to safely handle the incident (Los Angeles Police Department, Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).*

Pursuing Armed Suspects: *When pursuing a suspect believed to be armed, officers should generally do so in containment mode while considering the available tactical advantages, including cover and concealment where available. The goal is to maintain observation of the suspect and the tactical advantage while coordinating the response of additional units and other resources for a perimeter with the objective of containing the suspect and taking him into custody safely. The decision to pursue an armed suspect in apprehension mode may be appropriate when the suspect is at a tactical disadvantage and an arrest can be accomplished with limited risk to officers or innocent parties (Los Angeles Police Department Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).*

Officers Hilliger and Morales pursued an armed suspect while in containment mode.

Containment of an armed suspect demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort and successful resolution.

In this case, Officers Hilliger and Morales stated they initially followed an armed suspect in containment mode. Instead of following the same path as Iribe, both officers used parked vehicles as cover. Officers Hilliger and Morales maintained a line of sight to one another and were in close proximity to render immediate aid, if needed. When Iribe went behind the large green metal container, Officer Hilliger did not follow behind. Instead he took a position of cover behind the large green metal container and the smaller green bin maintaining a line of sight with Officer Morales. The UOFRB also examined the distance between both officers during the incident and determined that no separation occurred, either by distance or barrier.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officers Hilliger and Morales' actions were reasonable and did not

deviate from approved Department tactical training. In order to enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Approaching an Armed Suspect

There is an equation that saves lives: Distance + Cover = Time. Time gives officers options. Time is an essential element of de-escalation as it allows officers the opportunity to communicate with the suspect, refine tactical plans, and, if necessary, call for additional resources. Entering the suspect's space prematurely may force the suspect to take action, ultimately escalating the situation. Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate, or any similar object that prevents the assailant from reaching the officer (Los Angeles Police Department, Training Bulletin, Volume XLVI, Issue 3, Weapons Other Than Firearms, October 2017).

Officer Hilliger limited his ability to react by closing the distance between himself and Iribe, who had been observed in possession of a firearm. Officer Hilliger continued moving toward the utility box until he had a complete visual of Iribe.

When officers encounter a suspect that they believe is armed with a weapon, they are trained to place the suspect into a high-risk prone position to facilitate a safe approach to take the suspect into custody. This tactic provides the officers a tactical advantage and allows them to plan, communicate, redeploy, utilize cover, give commands and approach the suspect from a position of advantage.

According to Officer Hilliger, he could see Iribe's hands after Iribe threw the firearm over the fence and believed there was no longer an imminent threat, but Iribe moved behind a utility cabinet. Officer Hilliger was concerned Iribe may try to re-arm himself and may also need medical assistance. Officer Hilliger cleared the corner of the utility cabinet while utilizing cover when approaching Iribe. The UOFRB considered that this incident was dynamic in nature, that Officer Hilliger could see that Iribe's hands were empty and that Officer Hilliger continued to give Iribe commands as he approached Iribe to take him into custody. The UOFRB also noted Officer Hilliger's concern that Iribe may require medical attention, demonstrating a reverence for human life.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officer Hilliger's actions were reasonable and did not deviate from approved Department tactical training. In order to enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 3 Utilization of Cover

Cover is defined as any object or structure that will stop the opponent's bullets. Officers should attempt to move to and use available cover when involved in any

tactical situation and especially when there are weapons involved. Officers should be aware of what items in their surrounding area can be used as cover and what type of cover is required to stop specific rounds (handgun, shotgun, or rifle rounds) (Los Angeles Police Department, Basic Firearms Manual, July 2015).

Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate or any similar object that prevents the assailant from reaching the officer. If the suspect is contained and does not pose an immediate threat to officers, the public or himself/herself, time is our best tool. Time allows more opportunity to communicate with the suspect and helps to calm the situation (Los Angeles Police Department, Training Bulletin, Volume XLVI, Issue 3, Weapons Other Than Firearms, October 2017).

Officers Hilliger and Morales did not have the benefit of cover after the use lethal force.

The utilization of cover, coupled with distance, enables an officer to confront an armed suspect while simultaneously minimizing their own exposure. As a result, the overall effectiveness of a tactical incident can be enhanced, while also increasing an officer's tactical options by using available cover.

Officers Hilliger and Morales gave Iribe multiple commands in an effort to take him into custody while they were behind cover. Iribe ignored the officers' commands and kept walking towards the officers. The officers responded by redeploying backwards. However, the officers' effective communication between each other allowed them to create distance between themselves and Iribe, providing Officers Hilliger and Morales more time to react. Once out in the open area, Officers Hilliger and Morales continued giving Iribe commands as Iribe continued to move backward and look backward toward both officers. Officers Hilliger and Morales triangulated on Iribe in an attempt to improve their tactical advantage.²³

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officers Hilliger and Morales' actions were reasonable and did not deviate from approved Department tactical training. In order to enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 4 Use of Force Warning

An officer shall, when feasible, give a verbal warning prior to using the TASER to control an individual. The warning is not required when an officer is attacked and must respond to the suspect's actions. Additionally, if a tactical plan requires the element of surprise to stabilize the situation, a warning is not required. Examples of

²³ Triangulation is a tactic where officers deploy into a formation similar to the shape of a triangle or "L" to coordinate their movements and containment of a suspect.

this would be a hostage situation or a subject threatening suicide. However, officers are reminded that the surprise/tactical element must still be needed at the actual time the TASER is fired. The verbal warning should include a command and a warning of potential consequences of the use of force. The command should be similar to “drop the weapon” or “stop what you are doing” followed by a warning similar to “or we may use the TASER, and that may cause you injury” (Los Angeles Police Department, Use of Force-Tactics Directive No. 4.5, Electronic Control Device, TASER – July 2018).

According to Officer Morales, he did not provide a less-lethal warning verbally to Iribe prior to discharging the TASER because Officer Morales heard Officer Hilliger warn Iribe multiple times that Iribe would be “tased.” Additionally, Officer Morales stated he wanted to use the “element of surprise” so Iribe would not reach for the item creating the bulge in Iribe’s left front pants pocket. Officer Hilliger did not provide a complete verbal less-lethal use of force warning prior to Officer Morales’ application of the TASER on Iribe.

In this case, Officers Hilliger and Morales provided 24 direct commands to Iribe, prior to the discharge of the TASER by Officer Morales, which the UOFRB discussed was adequate in this specific instance to satisfy the “command” portion of the less-lethal use of force warning. The UOFRB noted that Officer Hilliger warned Iribe on three separate occasions that he would be “tased.” In addition, the UOFRB considered that Iribe was already wounded as a result of the lethal use of force. The UOFRB determined that the partial verbal warning was sufficient given the perceived exigent circumstance to satisfy the use of force warning requirement.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officers Hilliger and Morales’ actions were reasonable and did not deviate from approved Department tactical training. In order to enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

- **Tactical Communication** – The investigation revealed that Officers Hilliger and Morales both believed that Iribe was armed with a firearm, but neither officer advised the other of their observations prior to engaging in foot pursuit. According to Officer Morales, he did not communicate to Officer Hilliger that he observed Iribe reaching for his waistband because Officer Hilliger was in the front of Officer Morales. According to Officer Hilliger, he advised Officer Morales there was a firearm involved after observing Iribe throw it in the air. Officers Hilliger and Morales are reminded of the importance of effective communication during a tactical incident to reduce possible confusion and improve operational success. The Chief directed this to be a topic of discussion during the Tactical Debrief.
- **Running with Service Pistol Drawn** – Officer Hilliger engaged in a foot pursuit with his service pistol drawn. Although this was a dynamic and rapidly unfolding incident

involving a suspect who appeared to be possibly armed, Officer Hilliger is reminded that there is a heightened concern for an unintentional discharge when running with a service pistol drawn. The Chief directed this to be a topic of discussion during the Tactical Debrief.

- **Command and Control**

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Los Angeles Police Department, Supervisor's Field Operations Guide, Volume 2, Emergency Operations Guide).

Sergeant Olea responded to the incident with Sergeant Vasquez. Sergeant Olea approached Officer Morales and separated him from Officer Hilliger. Sergeant Olea asked Officer Morales if there were any outstanding suspects and was directed to where the Toyota Camry was last parked. Upon noticing that the Toyota Camry was no longer at the location, Sergeant Olea directed officers to extend the perimeter to contain the location of the initial traffic stop. Sergeant Olea obtained a PSS from Officer Morales. Sergeant Olea took custody of Officer Morales' BWV camera and secured it in the trunk of Sergeant Vasquez' police vehicle. Sergeant Olea

continued monitoring Officer Morales. Sergeant Olea observed numerous citizens gathering and taking pictures of the police activity. Sergeant Olea directed the arriving detectives toward the citizens for potential witnesses and photographic evidence.

Sergeant Vasquez arrived at the location in response to the help call along with Sergeant Olea. Sergeant Vasquez approached Officer Hilliger and separated him from Officer Morales. After determining that there were two crime scenes to be secured, one being the location of the OIS and other being the initial location of the traffic stop, Sergeant Vasquez took control of the OIS location. Having been informed by Officer Hilliger regarding the outstanding firearms, Sergeant Vasquez directed some of the officers at scene to look for the firearm and secure it for evidence. In addition, Sergeant Vasquez directed other officers to respond to the hospital with Iribe. Sergeant Vasquez continued to separate and monitor Officer Hilliger. Sergeant Vasquez took custody of Officer Hilliger's BWV camera and secured it. Sergeant Vasquez obtained a PSS from Officer Hilliger and continued monitoring Officer Hilliger.

Detective Calderon took over the separation and monitoring of Officer Morales, and transported Officer Morales to Hollenbeck Community Police Station.

Detective Acosta took over the separation and monitoring of Officer Hilliger, and transported Officer Hilliger to Hollenbeck Community Police Station.

Sergeant Sanchez arrived at scene and declared himself as the IC over the radio.

Sergeant Arangure arrived at the location in response to the OIS and took over command post responsibilities.

In reviewing this incident, the UOFRB noted that supervisory personnel arrived at scene following the Categorical Use of Force (CUOF). The UOFRB acknowledged the swiftness in which Sergeants Olea and Vasquez executed CUOF protocols. Sergeants Olea and Vasquez divided the large crime scene area into two components and each sergeant exerted command and control over an individual section, thereby providing for effective management of the entire scene. Upon arrival at scene, the sergeants immediately separated Officer Hilliger and Morales, assessed and managed the crime scene, and made timely notifications to the relevant entities.

The actions of Sergeants Olea, Vasquez, Sanchez, Arangure along with Detectives Calderon and Acosta were overall consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Officers Hilliger and Morales' tactics did not substantially deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Therefore, the Chief directed that Officers Hilliger and Morales attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control;
- Lethal Force.

General Training Update (GTU)

- On June 21, 2019, Officers Hilliger and Morales attended a GTU. All mandatory topics were covered including Tactical Communication, Tactical Planning, and Contact and Cover.

Drawing/Exhibiting

- Department policy relative to drawing and exhibiting a firearm is: *“An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80)*

Officer Hilliger

According to Officer Hilliger, approximately ten feet after he took off from the passenger seat of his police vehicle, he drew his service pistol because he observed Iribe holding his waistband while running. Based on Officer Hilliger’s training and experience such situations have led to firearm recoveries and firearm arrests.

Officer Hilliger recalled, *Initially, I -- I took off from my passenger seat and probably after about 10 feet after and just seeing how he was holding his waistband and knowing from training and experience and seeing it several times on my own where*

*it led to gun recovery and gun arrest that's when I unholstered my pistol and started giving him commands.*²⁴

Officer Morales

First Occurrence

According to Officer Morales, as soon as he broadcast a request for backup he drew his service pistol because he had reasonable suspicion based on prior knowledge that a lot of suspects carry weapons in their waistband, his observation that Iribe was “going for” his waistband, and his belief that Iribe had a firearm in his waistband.

*Officer Morales recalled, As soon as I broadcast that I -- I need a backup and I put out my -- my location just knowing that he's going for his waistband and I have reasonable suspicion that just ... because of the area and -- and knowing that a lot of suspects carry weapons in their waistband ... I thought he had a -- a pistol or a gun in his -- in his waistband. I -- I unholstered and I hear ... my partner shoot twice. Partner immediately tells me to -- to broadcast so I holstered.*²⁵

Second Occurrence

According to Officer Morales, he had heard Officer Hilliger discharge his service pistol twice. Officer Morales later observed Iribe coming out from cover and gave Iribe commands to get on the floor. Iribe did not comply with Officer Morales' orders and kept looking back at him and his partner. Officer Morales observed a bulge in Iribe's left, front pants pocket which Officer Morales believed was possibly another firearm and he drew his service pistol a second time while continuing to give Iribe commands to get on the ground. Iribe would not comply.

*Officer Morales recalled, ...I hear my partner -- my -- my partner shoot twice... I broadcasted and I see the suspect coming out ... from cover ... he sees me giving him ... commands to get on the floor. He wouldn't comply. He kept looking back at us. I see that he had a -- a bulge, like a big bulge in his front-left pocket. I believe that it was possibly another gun so I unholstered again and gave him commands to get on the ground. He wouldn't comply.*²⁶

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officers Hilliger and Morales' Drawing/Exhibiting. The UOFRB noted that Iribe's actions presented a potential deadly threat to the community as well as the officers. The UOFRB conducted a diligent and individual assessment of each officer's articulation regarding their decision to use lethal force. The UOFRB considered Officers Hilliger and Morales' observations of Iribe grabbing his

²⁴ Hilliger, Page 36, Lines 4-10

²⁵ Morales, Page 8, Lines 23-25 and Page 9, Lines 3-5 and 7-10

²⁶ *Id.*, Page 9, Lines 8-9 and 11-18

waistband and the officers' beliefs that Iribe was armed with a firearm based on their training and experience. The UOFRB also noted that Officer Morales' decision to draw his service pistol for a second time was subsequent to the escalation of the incident by Iribe where deadly force had been used.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Hilliger and Morales, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officers Hilliger and Morales' Drawing/Exhibiting to be In-Policy, No Further Action.

Use of Force – General²⁷

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*

²⁷ Special Order No. 4, 2020 – Policy on the Use of Force - Revised, was adopted by the Department on February 5, 2020, after this incident occurred.

- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Non-Lethal Use of Force

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Officer Hilliger – Physical Force, Firm Grip

According to Officer Hilliger, he approached Iribé to take him into custody. Officer Hilliger stated that Iribé was extremely rigid even after the TASER application was over. Officer Hilliger used his left arm to grab Iribé's left arm and pulled it behind Iribé's back. Officer Hilliger used his left hand and held Iribé's left wrist while he used his right hand to apply a handcuff on Iribé's left wrist. Officer Hilliger used his right hand to pull Iribé's right hand out from underneath Iribé's chest. Officer Hilliger switched grips and with his left hand held Iribé's right wrist while he used his right hand to apply a handcuff on Iribé's right wrist.

Officer Hilliger recalled, *But he was extremely rigid even after the TASER cycle was over and that's when I tried -- I got his arm with my left arm -- probably with both arms I grabbed his left arm and pulled it from behind his back, held his left wrist with my left hand and with my right hand cuffed his left wrist. I then switched my grip, had the -- my handcuff in my left hand and was able to pull his right hand out. And I switched grips and now I had my right hand on the handcuffs and was able to fully cuff him up.*²⁸

The UOFRB reviewed each application of non-lethal force by Officer Hilliger in this case and determined that the force used was reasonable based on Iribé's physical

²⁸ Hilliger, Page 11, Lines 18-25 and Page 12, Line 1.

resistance. Iribe did not comply with the officers' lawful orders to submit to arrest and escalated the incident further when he did not permit Officer Hilliger to handcuff him. Having balled up fists and with his arms towards the front of his body, Iribe physically resisted Officer Hilliger, even after the use of the TASER. The UOFRB noted that the force used was not gratuitous and Officer Hilliger demonstrated restraint in his use of physical force. Throughout the incident, officers issued multiple commands to de-escalate the situation.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Hilliger, while faced with similar circumstances, would believe that the same applications of non-lethal force would be reasonable to overcome Iribe's resistance and effect his arrest.

Therefore, the Chief found Officer Hilliger's Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

Less-Lethal Use of Force

- *It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects.

The courts have held that Less-Lethal force options are "capable of inflicting significant pain and may cause serious injury." Therefore, consistent with the Department's Use of Force Policy, Less-Lethal force options are only permissible when:

- *An officer reasonably believes the suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.*

Less-Lethal force options shall not be used for a suspect or subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance by a suspect do not alone justify the use of Less-Lethal force.

An officer may use the TASER as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.

The optimal range for the TASER is 7-15 feet. This range gives the most effective spread of the probes to accomplish NMI [Neuro-Muscular Incapacitation] (Los Angeles Police Department, Use of Force-Tactics Directive No. 4.5, Electronic Control Device, TASER – July 2018).

Officer Morales – TASER, two five-second activations in probe-mode.

First Discharge at 16:50:05 hours

According to Officer Morales, Officer Hilliger advised him to deploy the TASER. Officer Morales stated that Iribe did not comply with his orders to get on the ground and kept looking back at his direction. Officer Morales wanted to use the element of surprise and therefore did not give Iribe a verbal use of force warning. However, Officer Morales heard Officer Hilliger give Iribe multiple warnings. Fearing that Iribe was going to re-arm himself with what Officer Morales believed was a firearm, Officer Morales discharged his TASER in probe mode and aimed at Iribe's back to de-escalate the situation.

Officer Morales recalled, My partner told me to get the TASER and I holstered and I produced my TASER. I told him to get on the ground. I heard my partner say to -- saying that we're going to tase him. And fearing that he's going to rearm himself with the bulge that he has in his front -- I believe it was a gun -- I tasered him to deescalate the situation.²⁹

He wasn't going around with ... commands and he kept looking back at my direction and I -- I believe that he was seeing where I was standing and then reaching for -- his pocket and shoot at us -- I heard my partner giving multiple warnings -- And I wanted to use the element of surprise. So, if -- I felt like if I gave him a -- if I told him I was going to tase him he was going to go reach -- reach for whatever he had in his front left pocket and use -- and use it on us.³⁰ I didn't see where the darts hit but I was aiming ... for his back.³¹

The UOFRB deliberated at great length regarding both TASER discharges in this incident.

The UOFRB determined that the first application of less-lethal force by Officer Morales was reasonable based on Iribe's violent actions and the violent threat posed to the citizens at large, as well as the officers at scene. Iribe was armed with a firearm and fled the initial traffic stop towards an open business with multiple potential victims. Iribe then threw the firearm in the air and attempted to re-arm

²⁹ Morales, Page 9, Lines 23-25 and Page 10, Lines 1-4.

³⁰ *Id.*, Page 20, Line 25 and Page 21, Lines 1-4, 7-8 and 10-14.

³¹ *Id.*, Page 21, Lines 24-25.

himself. The UOFRB noted that even after being shot and wounded, Iribe continued to defy Officers Hilliger and Morales by refusing to follow clear commands.

Furthermore, the UOFRB considered Iribe's argumentative behavior during the use of force warnings and refusal to comply with commands. The UOFRB also noted that Iribe continued backing up towards the officers and kept looking around and over his shoulder repetitively, which was behavior akin to target acquisition. The UOFRB considered both officers' beliefs that Iribe was in possession of second firearm or another weapon due to the bulge observed by officers in Iribe's left pants pocket. The UOFRB considered that the application of the TASER, as a de-escalation tool, may have prevented a second use of lethal force.

The UOFRB also noted that while the Officer Hilliger gave Iribe a partial use of force warning, Officer Hilliger gave Iribe similar warnings on three separate occasions. In addition, the UOFRB considered that Iribe was already wounded as a result of the lethal use of force and not complying; therefore, the UOFRB opined that the officers had sufficiently met the use of force warning requirement. In addition, the officers gave Iribe 24 commands and orders following the OIS and prior to the discharge of the TASER; however, Iribe did not comply. The UOFRB also considered that Officer Morales articulated his target area for the TASER as Iribe's back, which is an optimal target area to achieve neuro-muscular incapacitation and take Iribe into custody.

With regard to the **First Discharge** of the TASER, based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Morales, while faced with similar circumstances, would believe that the same application of less-lethal force would be reasonable to protect themselves and others, and to effect Iribe's arrest.

Therefore, the Chief found Officer Morales' Less-Lethal Use of Force of the **First Discharge** to be objectively reasonable and In Policy, No Further Action.

Second Discharge at 16:50:39 hours

According to Officer Morales, he only recalled intentionally discharging the TASER one time in an effort to take Iribe into custody.

When asked by FID investigators how many times Officer Morales had activated the taser, Officer Morales recalled, *I just pressed – pressed it once.³² And I know my finger's off the – the TASER button and like it's off so ... I'm still trying to ... turn off the button so it could stop.³³*

The FID investigation determined that there were two TASER activations by Officer Morales. The second TASER activation by Officer Morales occurred while Officer

³² *Id.*, Page 16, Line 23.

³³ *Id.*, Page 17, Lines 2-5 and Line 7.

Hilliger was handcuffing Iribe and both TASER activations were five seconds in duration. The first activation occurred at 16:05:05 hours³⁴ and the second activation occurred at 16:50:39 hours.

The UOFRB considered several factors during their assessment pertaining to Officer Morales' second TASER activation. The UOFRB reviewed Officer Morales' BWV and noted that Officer Hilliger did not appear to be aware of a second TASER activation as he was handcuffing Iribe nor did Iribe's body appear to react to being tased a second time. Furthermore, the UOFRB noted Officer Hilliger's statement to FID investigators indicated Officer Hilliger was unaware of a second TASER activation, did not hear a second TASER activation, and Iribe's body did not react as if he was being tased a second time.

The UOFRB consulted a Subject Matter Expert (SME) from Training Division, who was present at the UOFRB. The SME discussed both the mechanical and technical aspects of the use of the TASER and the inspection of the particular device actually used by Officer Morales. The SME reviewed the materials related to this incident and determined that the TASER appeared to be functioning properly at the time of the incident. The SME was unable to determine if the second activation of the TASER had a physical effect on Iribe. The SME was also unable to definitively determine if both probes and wires were connected to Iribe in a manner in which the TASER activation completed a connective circuit to allow for Iribe to be affected.

In addition, the UOFRB considered that Officer Morales was broadcasting pertinent information to responding units and conducting scene assessments, while also focusing his attention on Iribe and Officer Hilliger's struggle to handcuff Iribe. Additionally, the UOFRB opined that Officer Morales did not attempt to deactivate the TASER during the second discharge, seemingly unaware of it. Neither officer made any commands to Iribe, nor did they coordinate with each other during the second activation. The UOFRB opined that the lack of verbal communication between the officers and with Iribe indicated that the officers were unaware that the TASER had been activated a second time. The UOFRB determined that the second TASER activation was unintentional.

With regard to the **Second Discharge** of the TASER, based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officers Morales' actions appeared to be unintentional and did not deviate from approved Department tactical training. The UOFRB and Office of Inspector General (OIG) discussed the most appropriate manner of evaluation and categorization of this less-lethal deployment issue. There was concurrence between the Chair, the UOFRB members, and the OIG, which appeared upon close scrutiny, to be an unintentional TASER discharge. Therefore, in order to enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

³⁴ The OIG notes that the first TASER activation occurred at 16:50:05 hours. (FID Report, Addendum #1.)

Lethal Use of Force

- *Law enforcement officers are authorized to use deadly force to:*
 - *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
 - *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
 - *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

Officer Hilliger – .45 caliber, three rounds, in a southerly direction from an approximate distance of 18 feet.

According to Officer Hilliger, while Iribe was in the area of the large green metal container, Iribe turned over his right shoulder towards Officer Hilliger and was continually grabbing his waistband. Officer Hilliger believed that Iribe was going to pull out a firearm and possibly fire. Officer Hilliger attempted to seek cover behind the large green metal container and the smaller green bin. While seeking cover, Officer Hilliger could not only hear but could also see what he believed to be two firearms thrown in the air. Officer Hilliger observed the firearms thrown in the air and heard one metallic clink in the area of the large green metal container. Officer Hilliger immediately notified Officer Morales that there was a firearm involved by stating "Gun, gun, gun."

According to Officer Hilliger, he heard another firearm come over the large green metal container where he was able to visibly see the black firearm which was between the large green metal container and the smaller green bin. While looking in the direction of the firearm, he observed Iribe come out from behind and immediately told Iribe to get on the ground. Officer Hilliger observed Iribe reach for the firearm and could see him pick it up. While picking up the firearm, Iribe pointed the muzzle of his firearm in the direction of Officer Hilliger. Believing that Iribe was going to shoot him or his partner which could cause serious bodily injury or death, Officer Hilliger was in fear for the safety of himself and his partner and fired approximately three to five rounds from his service pistol at Iribe to stop the threat.

According to Officer Hilliger, he was constantly reassessing and observed the firearm in Iribe's hand while firing. Officer Hilliger stated that after the third round is when he noticed Iribe throwing the firearm over the fence and that's why he stopped firing. Officer Hilliger did not have any imminent threat and could see Iribe's hands plainly after Iribe threw the firearm over the fence. Iribe went behind a utility box on the southwest corner of the parking lot at 150 North Myers Street and Officer Hilliger lost sight of Iribe.

Officer Hilliger recalled, *At that time, when he went in that area he kind of turned towards me over his right shoulder and was continually grabbing his waistband, so I thought he was going to pull out a gun and possibly fire. So, ... my mindset was ... to get cover and so I tried to seek cover behind the big green bin and that smaller green bin. And that's where I could not only hear but I could also see what I believed two firearms to be thrown in the air. When I saw ... the firearms thrown in the air I heard one metallic clink in the area of ... the bigger green bin. I believe it either went inside that bin or closer to the ... wood crates which was behind it in a southeast direction. I immediately said, "Gun, gun, gun," notifying my partner that there was a gun involved. And then after that I also heard another gun come over the green bin where I was able to visibly see the black firearm and that was in the little alleyway between the two green bins and the ... wall of that location. At that time, I was looking at the direction of the gun and the suspect came out from behind and so I immediately told him to get on the ground and that's where the suspect went for the gun, reached for the gun and I could see him pick it up and he was picking up the gun in my direction. And that's where ... I ended up shooting multiple rounds at the suspect because I believed that he was going to shoot me or my partner which could cause serious bodily injury or death and I was in fear ... for my partner and my safety. After I fired approximately three to five rounds at the suspect I reassessed and at that time I could also see him throwing that same gun that he pointed at me or was pulling up over the fence behind him. So, at that time after he threw the gun over I ... knew I didn't have any eminent threat at that time because I could see his hands plainly but then he went behind it was like a utility cabinet type thing so I lost sight of him.*³⁵

*I mean I was trying to constantly reassess but at that time ... he had a gun and when after firing each round I could still see the gun and after the third one is when ... I noticed him throwing it over the fence and that's why I stopped firing because the threat to my partner and I's life ... wasn't that eminent at that time. I could see his hands and there were no weapons in his hands at that time ... That's why I stopped shooting.*³⁶

*It's tough because at that time he was reaching over so I was just aiming for ... his waist up to his chest. I mean, he was like I said he's been overreaching for the gun and then coming up so that's just ... kind of the -- the picture I had.*³⁷

In this case, the UOFRB conducted a thorough review of the investigation. During their review, the UOFRB took into consideration that Iribe was an active gang member known by the officers to carry firearms. In this incident, Iribe was in possession of a firearm and rapidly escalated the incident when he fled from the

³⁵ Hilliger, Page 9, Lines 5-25 and Page 10, Lines 1-18.

³⁶ *Id.*, Page 25, Lines 20-25; Page 26, Lines 1-2 and 4.

³⁷ *Id.*, Page 40, Lines 9-13 and 15.

scene while holding his waistband. Iribe threw his firearm in the air and then attempted to re-arm himself when the firearm fell on the ground within close proximity of him.³⁸ Iribe had the opportunity to surrender, but instead came around the utility box towards the firearm. The UOFRB opined that Iribe was attempting to re-arm himself. Iribe picked up the firearm from the ground and pointed it in the direction of Officer Hilliger resulting in an OIS.

The UOFRB noted that Officer Hilliger continued to assess that the firearm was in Iribe's hand after firing each round and continued to fire to stop the threat. In addition, UOFRB noted that Officer Hilliger gave commands to Iribe on eight separate occasion prior to OIS. The commands ranged from Officer Hilliger identifying himself as peace officer to ordering Iribe to stop, get on the ground, and show his hands.

The incident rapidly escalated due to Iribe's actions. The UOFRB considered the minimal amount of time Officer Hilliger had to make decisions based on the imminent threat posed by Iribe to the officers and the surrounding business community. The UOFRB noted that Officer Hilliger articulated his perception of an immediate threat, when Iribe, armed with a firearm, pointed it in the direction of Officer Hilliger. Officer Hilliger specifically articulated his reason for the use of lethal force which was to defend himself and his partner. The UOFRB also considered Officer Hilliger's assessment of Iribe's actions between each discharged round.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Hilliger, would reasonably believe Iribe's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the Chief found Officer Hilliger's Use of Lethal Force to be In Policy, No Further Action.

Additional/Equipment

- **Required Equipment** – The investigation revealed that Officers Hilliger and Morales were not equipped with their side-handle batons. Both officers had left their side-handle batons in their police vehicle during the incident. This issue was brought to the attention of Captain Stabile, Serial No. 26260, Commanding Officer, Hollenbeck Area, who advised that this issue was addressed through informal counseling. The Commanding Officer of Operations - Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action is necessary.

³⁸ At the UOFRB, FID investigators presented two still pictures: one depicting a firearm in the air and a second depicting Iribe grasping the previously tossed firearm off of the ground, which was pointed in Officer Hilliger's direction.

- **Body Worn Video Activation** – The investigation revealed that Officer Morales activated his BWV camera late after the OIS as Iribre was walking back towards him and Officer Hilliger. According to Officer Morales, he attempted to activate his BWV camera as he exited his police vehicle. This issue was brought to the attention of Captain Stabile, who reviewed the circumstances of this OIS and considered the following: Officer Morales' multi-tasking of broadcasting while in a foot pursuit, tactically deploying with Officer Hilliger who had become involved in an OIS with Iribre, Iribre's continued non-compliance to Officer Hilliger's commands, and the necessity for continuous communications between himself, Officer Hilliger, and Iribre. Due to the circumstances Officer Morales was faced with and the multi-tasking during the dynamic incident, Captain Stabile recommended no further action on this late activation. Captain Stabile conducted an analysis and found that Officer Gamboa had no prior BWV issues. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that Officer Gamboa deactivated his BWV camera prior to the completion of Iribre's transport to LAC + USC while in the LAFD RA. This issue was brought to the attention of Captain Stabile, who conducted an analysis and found that Officer Gamboa had no prior BWV issues. As a result, Captain Stabile advised that this issue was addressed through informal counseling. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

- **Profanity** – The FID investigation revealed that Officer Hilliger utilized profanity during the incident while giving commands to Iribre. The profanity was a single utterance and followed after eight commands were already given to Iribre. Iribre did not comply with these commands and was believed to be armed with a firearm. This issue was brought to the attention of Captain Stabile, who advised that Officer Hilliger's use of profanity was appropriate considering the significant danger of the incident and that Officer Hilliger's de-escalation efforts appeared to have been ineffective at that point. Captain Stabile recommended no further action on this issue. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Readiness of Equipment** – The investigation revealed that Sergeant Vasquez did not log on to his Mobile Digital Computer (MDC) at the Start of Watch (SOW). According to Sergeant Vasquez, the MDC was slow and did not turn on prior to the help call broadcast. Sergeant Vasquez responded to the help call without logging onto his MDC because he believed that responding promptly was his primary responsibility. This issue was brought to the attention of Captain Stabile, who advised that no further action was required. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The investigation revealed that Officer Morales did not complete a TASER spark check at the SOW. This issue was brought to the attention of Captain Stabile, who advised that this issue was addressed through divisional training. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

- **Detention Log Protocol** – The investigation revealed that Sergeant E. De Alba, Serial No. 31350, Hollenbeck Patrol Division, did not complete two of the three check boxes on the Adult Detention Log during the inspection and interview of Guerrero. This issue was brought to the attention of Captain Stabile, who advised that this issue was addressed through divisional training. In addition, Captain Stabile stated that Hollenbeck Command will ensure that all of its supervisors are reminded of the importance of completing the Adult Detention Log. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Audio/Video Recordings

- **Digital In-Car Video System (DICVS)** – Hollenbeck Area police vehicles were equipped with DICVS.

Officers Hilliger and Morales' police vehicle was equipped with DICVS. The video captured the attempted traffic stop and Iribe immediately fleeing from the Toyota Camry. The video did not capture the OIS due to the location of occurrence, but it did capture the audio portion of the OIS. In addition, the video captured Guerrero fleeing the location.

- **Body Worn Video (BWV)** – Hollenbeck Area personnel were equipped with BWV.

Officers Hilliger and Morales' BWV captured varying aspects of the foot pursuit and Iribe's actions leading up to and after to the OIS, including portions of the Less Lethal UOF and Non-Lethal UOF. The FID investigation determined that eighteen additional officers assigned to Hollenbeck Area activated their BWV cameras during their response to the OIS scene and the subsequent vehicle stop of the Toyota Camry. The BWVs were reviewed by FID investigators and found to have no investigative value, issues, or concerns.

- **Outside Video** – Investigators from FID canvassed the area of 150 North Myers Street. The investigators located surveillance video at 1137 East First Street from the Key Company. In addition, an employee from 150 N. Myers Street, identified as "Benji," took cell phone video after the OIS, which was provided to FID.

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INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-Escalation

- The OIG concurs with the Chief's analysis.

Additional

- **Body Worn Video**

Body Worn Video procedure states, in relevant part, "*Officers shall activate their BWV devices prior to initiating any investigative or enforcement activity involving a member of the public...*"³⁹

In this instance, the FID investigation revealed that Officer Morales did not activate his BWV device until after the OIS. As noted in the Chief's report, Officer Morales stated that he attempted to activate his BWV camera as he exited his police vehicle. A review by FID of the "buffered" portion of Officer Morales's BWV footage was inconclusive with regard to his attempt to activate his BWV camera at that time. The OIG also conducted a review of Officer Morales's BWV and concurs with FID's assessment in this regard.

The available evidence suggests that Officer Morales had the opportunity to activate his BWV during the series of events that unfolded prior to the OIS, beginning when Officer Morales first observed the Camry. As described by Officer Morales, he

³⁹ Los Angeles Police Department Manual, Volume 3, Section 579.15.

“immediately recognized the front passenger as Jose Iribе. Because I [Officer Morales] had previous contacts with him and I know that he has a -- a war -- he has outstanding warrants for his arrest.”⁴⁰ Officer Morales then made a U-turn to follow the Camry in order to effect a traffic stop, and he activated the forward-facing red lights on his police vehicle. When the Camry appeared to be ignoring the red lights, Officer Morales sounded two short bursts of his vehicle’s siren. The Camry subsequently came to a stop, and Iribе fled on foot, leading to the ensuing foot pursuit and OIS.

Given the opportunity for activation of BWV described above, the OIG recommends that the requirement to activate BWV in a timely manner be addressed with Officer Morales.

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief’s findings.

Drawing/Exhibiting

- The OIG concurs with the Chief’s findings.

Non-Lethal Use of Force

- The OIG concurs with the Chief’s findings.

Less-Lethal Use of Force

- The OIG concurs with the Chief’s findings.
- As noted by the Chief, the evidence supports the conclusion that the second TASER activation by Officer Morales was unintentional. There is no classification in the Department’s adjudication system for unintentional discharges of less-lethal weapons. Given the circumstances under which the second TASER discharge occurred, the OIG does not believe that the discharge warrants an Out of Policy finding, or that it represented an unjustified and substantial deviation from approved Department tactical training. The OIG concurs with the Chief’s conclusion that this matter should be addressed at the Tactical Debrief.

⁴⁰ Morales, Page 7, Lines 18-24.

Lethal Use of Force

- The OIG concurs with the Chief's findings.

A handwritten signature in black ink, appearing to read "M. P. Smith". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Mark P. Smith
Inspector General